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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,314	03/06/2001	Peter V. Radatti	17-00	2982

7590 12/19/2003
CyberSoft, Inc.
1508 Butler Pike
Conshohocken, PA 19428-1322

EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/19/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,314

Applicant(s)

RADATTI ET AL.

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ji et al.(5,623,600).
3. As per claim 1, Ji discloses intercepting and processing code on a communications channel(see col. 2, lines 39-42, 54-64); a protocol parser(see col. 5, lines 39-66). The Examiner asserts that the Applicant does not define a protocol parser, for the purpose of applying art the protocol parser is the proxy server in Ji. Ji et al. discloses a protocol parser because the proxy server is in between the application layer and the transport layer and examines packets transmitted, and intercepts then to determine if they contain viruses(see fig. 4, sheet 4, col. 5, lines 39-67, col. 6, lines 1-11). The Examiner asserts that the proscribed code scanner is the virus scanner of Ji(see col. 7, lines 59-65). The virus scanner intercepts files and examines the files by checking the extension of file names(see col. 7, lines 33-40); whereby the protocol parser intercepts the code traveling on the channel and transmits the code for review by the proscribed code scanner(see col. 7, lines 29-65).
4. As per claim 2, Ji et al. discloses whereby the protocol parser transmits the code to the proscribed code scanner through the protocol scanner(see col.7, lines 29-65).

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5. As per claim 3, Ji et al. discloses whereby the proscribed code scanner further includes, a scanning means an indicator means, whereby the indicator means provides an indication of the presence of proscribed code after scanning the intercepted code(see col.11, lines 57-67, col. 12, lines 1-40).

6. As per claim 4, Ji et al. discloses whereby the proscribed code scanner includes a virus scanner(see col. 7, lines 58-67, col. 11, lines 1).

7. As per claim 5, Ji et al. discloses wherein the protocol parser further includes a configuration means for configuring interception parameters(see col. 9, lines 1-27).

8. As per claim 6, Ji et al. discloses wherein the protocol scanner includes a configuration means for configuring interception parameters(see col. 7, lines 51-67).

9. As per claim 7, Ji et al. discloses a protocol parser(see col. 5, lines 39-66); a protocol scanner(see col. 7, lines 29-65); and a proscribed code scanner includes a scanning means and indicator means; whereby the protocol parser transmits the code to the proscribed code scanner through the protocol scanner, and whereby the indicator means provides an indication of the presence of proscribed code after scanning the intercepted code(see col. 11, lines 57-67, col. 12, lines 1-40).

10. As per claim 8, Ji et al. discloses intercepting the code; parsing the code; scanning the code for the presence of proscribed code(see col. 7, lines 29-67); and providing an indicator for the presence of the proscribed code(see col. 11, lines 57-67, col. 12, lines 1-40).

11. As per claim 9, Ji et al. discloses returning the code to the communication channel if the indicator is negative(see col. 7, lines 29-46).

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12. As per claim 10, Ji et al. discloses further indicating the presence of the proscribed code if the indicator is positive(see col. 7, lines 50-67).

13. As per claim 11, Ji et al. discloses wherein the step of intercepting the code further includes intercepting the code according to configured parameters(see col. 8, lines 6-34).

14. As per claim 13, Ji et al. discloses wherein the step of scanning the code for the presence of proscribed code includes scanning the code for the presences of viruses(see col. 7, lines 29-67).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al.(5,623,600).

17. As per claim 12, Ji et al. discloses the step of providing a separate system inserted in the communications channel(see col. 2, lines 54-67, and with at least one of the steps of intercepting the code; scanning the code for the presence of proscribed code(see col. 7, lines 50-67), and providing an indicator for the presence of the proscribed code, occurring on the separate machine(see col. 3, lines 4-16). However, Ji et al. does not disclose decrypting code.

18. The Examiner takes Official Notice that it is well-known in the art to have encryption/decryption, the motivation is that encrypting and decryption code, insures that only the intended recipient can view the code.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426.


The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



December 10, 2003



GILBERTO BARRON
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TECHNOLOGY CENTER 2100